

## **REMARKS**

Reconsideration of this application is requested in view of the amendments to the claims and the remarks presented herein.

The claims in the application are claims 20 to 27, 29 to 31, 33, 35 and 36, all other claims having been cancelled.

Claim 27 was objected to as being improper since it did not further limit the generic claim. This objection has been overcome since claim 27 now recites the thickening agent as being chitin.

Claims 22 and 26 were rejected under 35 USC 112, first paragraph, as not being based upon an enabling disclosure. The Examiner objected to terms i and ii.

Applicants respectfully traverse this ground of rejection since the claims have been amended to omit the terms objected to by the Examiner and it is believed that they are clearly supported by pages 2 and 3 of the application as filed, particularly the last two paragraphs 2 and the first paragraph of page 3. Therefore, withdrawal of this ground of rejection is requested.

Claims 22 and 26 were rejected under 35 USC 112, second paragraph, as being indefinite. The Examiner objected to the term “viscous” and other terms set forth in paragraphs 1 to 8.

Applicants respectfully these grounds of rejection since the amended claims are believed to properly define the invention. With respect to the term “viscous”, this no longer appears in the claims nor does the adhesive mass acrylic polymer nor “the net of polypropylene” or the “silconated protective item”. With respect to “elastane”, this has been replaced by the term “lycra” which, as can be seen from the definition of elastane submitted herewith is a well known commercial fiber sold by DuPont. The term “stocking stitch casing” is a well known term defined by the Collins English Dictionary 2000 as being a pattern of stitches in knitting consisting of alternate rows of plain and purl stitches. Therefore, the amended claims are believed to comply with 35 USC 112, second paragraph, and withdrawal of this ground of rejection is requested.

Claims 20 to 24, 26, 7, 31, 33, 35 and 36 were rejected under 35 USC 103 as being obvious over the Crotty et al patent taken in view of the Binutu et al reference taken in further view of the Kelly et al patent. Claims 29 to 30 were rejected over the same prior art taken in further view of the Hyldgaard et al reference. Claim 28 was rejected on the same prior art taken in further view of the Bara et al patent and claim 25 was rejected over the same art taken in view of the Nakamura et al reference. The Examiner states that Crotty et al teaches the delivery of skin benefit agents by via

adhesive strips including a flexible substrate sheet onto which a composition containing an adhesive polymer is deposited and herbal extracts are taught as skin agents. The use of wetting agents is also taught. The Examiner concedes that the reference fails to teach the percent weight of the thickening agent and the *Kigelia pinnata* extracts and fails to explicitly teach isoflavones in the soy bean extract. The Binutu et al patent teaches extracts of *Kigelia pinnata* as having antibacterial and antifungal activity. Kelly et al is cited to show soy bean extracts having large amounts of isoflavones and the Examiner deems it would have been obvious to add the *Kigelia pinnata* extracts as taught by Binuti et al with the Crotty et al composition because Crotty et al teaches that microbial agents can be added to their compositions. While the amount of thickener is not explicitly taught, it would have been obvious to one skilled in the art to use Applicants' claimed invention.

Applicants respectfully traverse these grounds of rejection since one skilled in the art would not combine the references as the Examiner has done with the benefit of Applicants' disclosure. Applicants' invention is not a composition containing at least one active plant extract for any therapeutic purpose but, rather, is a cosmetic composition containing as active ingredients a combination of several compounds including at least one plant extract having an estrogenic activity and an extract of the plant *Kigelia Africana* or *Kigelia pinnata* which has a positive action on the development of the bust

and a positive action on the firmness of tissue and this is in no way taught by the references cited by the Examiner. The Crotty et al patent teaches the delivery of skin benefit agents by means of adhesive strips including a flexible substrate sheet onto which a composition containing an adhesive polymer is deposited and herbal extracts are taught as skin agents. The use of licorice red clover flow, sage and soy bean extracts are disclosed therein. However, the reference fails to teach the presence of Kigelia extracts and the explicit presence of isoflavones in the composition even if the latter is inherently present nor is there any suggestion of Applicants' cosmetic compositions. Binutu et al teaches extracts of Kigelia as having antibacterial and antifungal activity but does not teach the combination thereof with Applicants' extracts and isoflavones. Kelly et al merely teaches that soya comprises large amounts of isoflavones. There is no teaching of the combination of the same with plant extracts or with isoflavones. Therefore, one skilled in the art having the teaching of the references before him would in no way be led to Applicants' invention and withdrawal of these grounds of rejection is requested.

In view of the amendments to the claims and the above remarks, it is believed that the claims clearly point out Applicants' patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,  
Muserlian, Lucas and Mercanti

  
Charles A. Muserlian, 19,683  
Attorney for Applicants  
Tel. # (212) 661-8000

CAM:ds  
Enclosures

**Marie Fleur**

**De:** marianne.gibur [marianne.gibur@wanadoo.fr]

**Envoyé:** lundi 26 janvier 2004 17:57

**À:** marie fleur

**Objet:** documentation sur élasthanne dans Internet

**source : tissages de l'aigle**

# L'ÉLASTHANNE

**Qu'est-ce que l'élasthanne?** C'est un terme générique créé à partir des mots élastique et polyuréthane pour désigner une "élastofibre", fibre contenant au moins 85% de polyuréthane segmentaire. Elle possède une capacité d'élasticité qui peut aller de 400 à 700%. La plus connue des élasthanes: Le Lycra, commercialisé par DuPont de Nemours depuis 1958.

## Les marques

**DORLASTAN:** Marque commerciale d'une fibre élasthanne de chez Bayer à base d'uréthane de polyester et de polyéther, disponible en filament continu, dans différents titrages: de 17 dtex à 1 280 dtex. Cette fibre présente des qualités de confort et de résistance alliées à une grande élasticité. Ces caractéristiques sont très proches de celles du Lycra, élongation possible de 400 à 450% selon les titres.

**LYNEL:** Marque commerciale d'un fil élasthanne, fabriqué par Filatice Spa (Italie) disponible en différents titrages s'échelonnant de 17 à 1 880 dtex, transparent ou semi-opaque. Peut supporter un allongement qui serait de l'ordre de 530 à 580%.

**LYCRA:** Marque commerciale du fil élasthanne créé par DuPont de Nemours en 1959. Disponible dans différents aspects: mat, brillant, semi-transparent ou transparent. Il confère élasticité et force de retour aux textiles tricotés et tissés, améliore la tenue, le tombant, le confort d'un vêtement et atténue les risques de froissage. Il est toujours associé à d'autres fils naturels ou synthétiques: coton, laine, polyamide, soie... dans des proportions variant de 2 à 40% de la composition finale d'un tissu. Il est composé de segments souples maintenus entre eux par des segments rigides, ce qui représente 85% de polyuréthane segmenté. C'est cette structure particulière qui lui assure son élasticité.

**Propriétés physiques:** Supporte un étirement de quatre à sept fois sa longueur initiale, avec reprise de sa forme d'origine dès relâchement. Allongement de 150 à 700% au sec et au mouillé. Plus résistant et plus durable que le caoutchouc, supportant un effort de tension de deux à quatre fois supérieur, pour un poids inférieur d'un tiers.

**Réaction à la chaleur:** sensible soustraction au-delà de 90°C

Résiste au soleil, à l'eau de mer et au froid, au vieillissement en général.

Excellente résistance à l'abrasion.

Peut être teint, imprimé ou apprêté par la majorité des procédés mis en oeuvre pour les autres fibres textiles.

L'intégration de l'élasthanne dans un nombre d'armatures textiles de plus en plus large répond parfaitement à la demande croissante de confort de l'utilisateur final. Les Tissages de l'Aigle ont voulu adhérer en temps réel à cette demande en proposant des tissus adaptés aux conditions d'utilisation actuelles. C'est ainsi que l'élasthanne sous toutes ses formes a été intégré à notre lingerie, mais aussi à nombre de nos polaires, et à la plupart de nos styles de produits.